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December 18, 2024

BY ECF

Honorable James B. Clark, III, U.S.M.J.
Martin Luther King Building
& U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: *In re Celgene Corporation Securities Litigation*, Case No. 2:18-cv-04772-MEF-JBC

Dear Judge Clark:

We, along with Lead Counsel, represent Lead Plaintiff and Class Representative AMF Tjänstepension AB (“Plaintiff”) and the Class in this matter. We write in advance of the December 19, 2024 Final Pretrial Conference to advise Your Honor of a dispute between the parties regarding the timing and sequence of pretrial motions.

The December 9, 2024 Final Joint Pretrial Order (“JPTO”) listed the parties’ contemplated pre-trial motions. Plaintiff anticipates filing fifteen motions in limine and five *Daubert* motions, and Defendants anticipate filing three motions in limine and five *Daubert* motions. *See* JPTO at 1-8, 202-208. While a trial date has not been set, counsel have informed the Court of their respective availability for trial in 2025. All counsel are available between July and mid-September 2025 and in November and December 2025. *See* D.E. 336; D.E. 337.

On December 10, 2024, Plaintiff proposed to Defendants the following schedule for pre-trial motions:

1. Motions in Limine and *Daubert* Motions – January 30, 2025
2. Oppositions to Motions in Limine and *Daubert* Motions – March 18, 2025
3. Replies in Support of *Daubert* Motions – April 16, 2025

On December 17, 2024, Defendants informed Plaintiff that they were unwilling to proceed with pretrial motion practice related to Ozanimod until the Court rules on their pending Motion to Bifurcate Trial (D.E. 352). Additionally, Defendants proposed that the parties delay briefing on motions in limine until the Court resolves the purported “threshold” issues raised in Defendants’ bifurcation motion and/or sets a trial date. Defendants’ bifurcation motion—which is the only pending motion—provides no basis to delay preparing this matter for trial.

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Defendants' bifurcation motion does not seek to delay trial on either the Otezla or Ozanimod portion of the case. In fact, Defendants proposed that the Court "*could simply try the bifurcated portions of the case back-to-back, with little loss of efficiency except as needed to select a new jury.*" D.E. 352-1 at 19. While the motion claims that there are "legal uncertainties" related to the Ozanimod portion of the case, *id.* at 2, 6-7, Defendants have not filed any motions related to these purported uncertainties. Moreover, as reflected by the parties' 348-page JPTO, which extensively summarizes the parties' evidence related to Ozanimod, Defendants have not sought to delay any other aspect of trial preparation on the basis of these purported uncertainties.

In short, there is no reason why the parties should not proceed expeditiously with all pretrial motion practice. Accordingly, Plaintiff respectfully requests that the Court set Plaintiff's proposed schedule for the briefing of pretrial motions.

We thank Your Honor for the Court's attention to this matter.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,
BRODY & AGNELLO, P.C.

/s/ James E. Cecchi

JAMES E. CECCHI